

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JAMES J. DAVIS,

Plaintiff,

v.

WILLIAM GEE,

Defendant.

ORDER

14-cv-617-wmc

A telephonic hearing was held in this case on October 5, 2016, at 10:00 a.m. to give *pro se* plaintiff James Davis the opportunity to show that he has admissible evidence sufficient to prove the objective prong of his deliberate indifference claim against defendant William Gee. At the conclusion of the hearing, the court concluded that further briefing on the objective prong of plaintiff's claim is necessary. In particular, the court ordered further briefing on the issues of whether: (1) plaintiff has sufficient evidence to show that he faced a "substantial risk of serious harm" on the relevant date; (2) plaintiff can proceed with his deliberate indifference claim based solely on a risk of psychological harm, and if so, whether plaintiff has evidence that he faced a "substantial risk of a serious" psychological harm; and (3) plaintiff has sufficient evidence from which a jury could find that he suffered a physical injury.

Accordingly, the court set the following briefing schedule:

- Defendant's brief, proposed supplemental findings of fact and evidentiary support are due October 24, 2016.
- Counsel for defendant shall arrange for service of its filing, as well as plaintiff's access to relevant medical and psychological files on or before October 25, 2016.

- Plaintiff's response brief, response to defendant's proposed findings of fact and any additional proposed supplemental findings of fact and evidentiary support are due November 14, 2016.

In their briefs and supporting materials, the parties should address the three issues identified above, as well as any other issues they believe should be brought to the court's attention on summary judgment. After reviewing the parties' submissions, the court will decide whether there is a genuine dispute of material fact that must proceed to a jury trial, and set a new trial schedule, if necessary.

Entered this 5th day of October, 2016.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge